

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAKIESHA STALEY,

Plaintiff,

v.

Case No. 2:19-cv-11168

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

EXTENDED STAY OF
SOUTHFIELD, LLC, *et al.*,

Defendants.

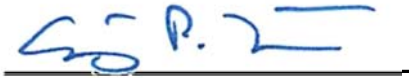
**ORDER GRANTING IN PART DEFENDANT'S MOTION FOR
ATTORNEY FEES, BUT DENYING AS MOOT THE REMAINDER OF
THE MOTION (ECF No. 22)**

This matter came before the Court for consideration of Defendant ESA Management, LLC's motion to compel discovery and request for attorney fees (ECF No. 22), Plaintiff's response in opposition (ECF No. 25), Defendant's reply (ECF No. 26), and the parties' joint list of unresolved issues (ECF No. 27). The parties indicated in their joint list of unresolved issues that they resolved all discovery matters raised in the motion, and that the only issue remaining was Defendant's request for attorney fees. (ECF No. 27, PageID.369-371.) Judge Borman referred this motion to me for a hearing and determination. (ECF No. 23.) A hearing was held on March 10, 2020, at which counsel appeared and the Court entertained oral argument regarding Defendant's motion.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Defendant's motion for attorney fees is **GRANTED IN PART** under Fed. R. Civ. P. 37(b)(2)(A) and (C) (where a party fails to obey an order to provide discovery, "the court must order the disobedient party, the attorney advising that party or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust"), but the remainder of the motion is **DENIED AS MOOT**, as the parties have resolved all substantive discovery matters raised in the motion. The Court having found that Plaintiff failed to fully comply with the December 3, 2019 stipulated order requiring complete and verified discovery responses by December 16, 2019 (ECF No. 16), thus necessitating part but not all of the instant motion, and that some but not all of the discovery at issue in the instant motion was not provided until the motion was already pending, the Court awards Defendant's counsel \$1,250 in attorney fees (a proportionate fraction of what was requested) to be paid by Plaintiff, LaKiesha Staley, to Defendant's counsel's law firm, Ogletree, Deakins, Nash, Smoak & Stewart, PLLC, in installment payments of \$200/month. The first payment must be made by April 1, 2020, with payments due on the first of every month thereafter.

IT IS SO ORDERED.

Dated: March 10, 2020

A handwritten signature in blue ink, appearing to read "A.P. Patti", is written above a horizontal line.

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE